

The regular meeting of the Planning Board, Town of Moreau, County of Saratoga, State of New York, was held in the Town Office Building, 61 Hudson Street, South Glens Falls, New York on August 16, 2010

Planning Board Regular Meeting

August 16, 2010

Attending Board Members: Chairman, G. Peter Jensen
Keith Osborne, Chris Barden, John R. Arnold, Erik Bergman, Ronald Zimmerman,
Alternate: Dave Paska

Absent Board Members: Thomas Field, Cherie Kory

Others Present: Building Inspector: Joseph Patricke, Town Attorney: Martin Auffredou & Town Engineer

Chairman, G. Peter Jensen called the meeting to order at 7pm.

1. Motion: To approve the July 19, 2010 Planning Board minutes as Amended, by: **Mr. Arnold:**

Second to Motion: Mr. Osborne

Discussion/Corrections:

Roll Call: 6 Ayes: 0 Abstained,

Absent Board Members: Thomas Field

Motion Carried.

Mr. Patricke: Michael Peck Site Plan Review cancelled for 8/16/2010 Planning Board Mtg.

AGENDA

**1. Winterberry Woods Subdivision
Public Hearing**

Mr. Zimmerman recused himself from the review his employer is in contract with Winterberry Woods

Travis Mitchell, with Environmental Design Partnership, presented the proposed 38-acre cluster subdivision on the Southwest corner of Bluebird Road and Fort Edward Road. The Preliminary Plat presented last reviewed in December of 2009. The majority of the site is zoned R1, 15,000 sq ft. lots with a small portion zoned R2 22,400 sq ft lots. Maximum permitted lots of 77 with water and sewer. Factoring in the geometry of the land and storm water management shown is the cluster density of 61, 60 new lots and 1 existing, a 2.5-acre Farmhouse. The average lot size is 12,700 sq ft and the minimum 10,400 sq ft houses, with frontage of 80'. Under 12 acres of land in an HOA, the cluster layout preserved the vegetation along Bluebird road and Fort Edward roads to maintain the site distance. The design also provides open space behind the each lot. Two access points one on Bluebird and the other on the Fort Edward. Final reviews are in from the Town Engineer, Traffic (recommended on final approval language to maintain the vegetation on the Fort Edward road access point to improve site distance), and sign off from the N.Y.S. National Heritage Program. No DEC wet lands. Elimination of lots near the Army Corp. wetlands on the southern hedge. Holding on responses/comments from the Water/Sewer expected soon. HOA will maintain the storm water management and open spaces also providing the option of lawn and driveway maintenance.

Chairman Jensen: set the ground rules to maintain the decorum of the meeting opening the Public Hearing

Michael Kelly: 123 Bluebird Rd. questioned the use restrictions by the HOA of the 100' buffer between Bluebird Rd. and the back of the adjoining lots. His concern is back yard storage, grass clippings and dumping as a view from his front yard. Another concern; the public sewer line possibly running along Bluebird will hook-up be mandatory

Mr. Mitchell: For this current project the sewer is a force main, running east on Bluebird and another project further west on Bluebird will be a forced main as well.

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Mr. Patricke: No other plans by the Town Board other than these two projects for the sewer line; however, they would entertain a request for hook-up

Mr. Mitchell: The HOA language will be set up to prevent dumping on the buffers

Mr. Patricke: does not recall the buffers being 100'

Mr. Mitchell: correct the buffer narrows to about 80'

Michael Kelly: will the homes be visible through the buffer from Bluebird Rd

Mr. Mitchell: the homes will be set to the front of the lots and it is fairly dense along parts of the buffer some visibility

Lloyd Jacox of 131 Bluebird Rd. to what side of Bluebird is the sewer line run. Lines measured and marked in relation to his lot.

Mr. Mitchell: the sewer line will cross Bluebird Road within the right of way in several places along Bluebird.

Lloyd Jacox: availability for sewer hook-up for residents along the sewer route...Mr. Patrick reiterated the Town Board might entertain homeowners request to hook-up

Mr. Mitchell: the proposed sewer to the east will be on the south side of Bluebird Rd. Once installed and tested the sewer line is dedicated to the Town of Moreau.

Mr. Patricke: the lines are dedicated to the Town by the developer and it will be a decision from the Town Board to allow residents other than the proposed projects to hook-up. The indication is the Town will allow other hook-up with a grinder station at each additional connection.

Lloyd Jacox: once dedicated is the Town responsible for the maintenance of line....YES

Vince Sporrer: 57 Potter Rd. questioned the safety of the Fort Edward road access point, moved closer to the hill to preserve the farmhouse.

Mr. Mitchell: this is the optimal location with the preservation of the vegetation reserving the site distance in relation to the hill

Mr. Patricke: restriction in place preventing an access point from a certain distance from the intersection of Bluebird and Fort Edward Roads

Dave Johnson: 251 Bluebird Rd. concerns are the ground water in conjunction with the wet lands and is the design capable of handling the runoff

Mr. Mitchell: in the past 2 years, soil test pits and monitoring wells are identifying water levels and patterns in the area consistent with the State standards management plan. Two main basins developed for a 100-year storm event to ensure the runoff is no greater after construction is completed.

Mr. Mitchell: in regards to traffic the Traffic consultants have taken into consideration all projects and concurred with the Towns Engineers

Charlotte Lewis: 47 Bluebird Rd. believes traffic will be an issue with no streetlights and traffic light. The recent reevaluation raising property taxes have not afforded the property owners with any improvements. The emergency response crew's ability to handle the capacity of the current proposed projects in the area

Tammy Sanders: questioned the increased school population

Mr. Mitchell: did not have the numbers however, Mr. McCarthy and the South Glens Falls School board have the reported estimate. The board will determine the school district to absorb the new students

Vince Sporrer: concerned with the traffic and the road to the west end of the current subdivision showing another potential contract to purchase adjacent property for development requesting the board research reducing the speed in the area

Mr. Patricke: the Town Board has requested the County to review the roads to reduce the speed limits

Shelly Englert: 241 Burt Road reiterated the concern over the speed limit and using other roads as short cuts to avoid the imposed speed limits

Michael Kelly: questioned the opportunity to review the HOA language and the event once handed over changing the language

Mr. Auffredou: the procedures to amend are possible however highly unlikely, the Board will review the provisions that relate to any concerns of this board and comment. These boards will not micro manage the HOA language, it is not their position to do so.

Chairman Jensen: Council will review the HOA language presented to ensure the provision to maintain the buffers exist.

Reed Antis: Paris Rd. directed to council: a provision in the language to prevent abandonment of those lands in the HOA

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Mr. Auffredou: there is no answer to abandonment... varies the occurrence is very rare... it is not in the boards interest to become involved in insuring language exists on a probable situation.

Mr. Patricke: the board's vision is to protect the neighborhood through zoning. This proposed development could have been building lots adjacent to Bluebird without the greenery.

Lloyd Jacox: this will now force the current stream of off road trail riding to crowd the poll line even more any ideas on prevention on creating new off roads

Mr. Patricke: the Town Board is currently working with the DEC on an enforcement action.

Vince Sporrer: questioned the size of the homes... Mr. Patrick response 2,000 sq ft and the Senior housing is reserved in the R2 zoning only... on quarter acre of property

Dave Johnson: who is building and packaging these homes Schermerhorn? Who enforces the HOA to maintain the property directed to Mr. Patrick?

Mr. Mitchell: undetermined at this point

Mr. Patricke: HOA fills with the State Attorney General's Office and the enforcing comes from the HOA board governed by stricter bylaws. The HOA will pay taxes on the property in the Association.

Shelly Englert: what is projected construction date.... Response Spring of 2011

Mr. Patricke: Phase two on the apartment complex should be in the spring of 2011 also

Mr. Arnold: the status of hammerhead replacing the stub road ending

Mr. Patricke: the board will have a resolution from the Highway Superintendent before signoff.

Mr. Osborne: how is cluster infrastructure affected in relation to conventional

Mr. Mitchell: decreases slightly from 4,500 to 4,250

Mr. Bergman: requested the HOA language restrict the number of service providers within in the development to a few in order to eliminate congested traffic i.e. garbage removal

Mr. Mitchell: agreed to review the limit to the number of not who.

Mr. Bergman: it is possible the HOA will put that work out to bid

Michael Kelly: questioned the fire flow from water main to accommodate the adjacent homes once additional fire hydrants are placed in the proposed development

Mr. Patricke: the Town Board has plans to install fire hydrants along Bluebird road outside of the proposed project. The additional will be in the new water district. The fire flow will be fine every 500'

Mr. Mitchell: in regards to the farmhouse that will be a separate lot

Shanna Brown: currently renting the farm house and congratulate the developers for preserving the home it hold a lot of history from this area

Mr. Osborne: what is approximate site distance from the Fort Edward road access point?

Mr. Mitchell: HOA language will keep the site distance maintained. The traffic study initially done with the approved Apartment complex and updated to in consideration of this project

Dave Johnson: distance from the Fort Edward access to his driveway

Mr. Mitchell: 300' to 400' approximately

Chairman Jensen: recommends residents address the speed limit concerns before the Town Board and complaints to the Sheriff department.

Mr. Auffredou: to address the current concerns involving the speed limit at the next Town Board mtg.

Chairman Jensen: the EAF form on hold not all comments received

1. Motion: To table the Public Hearing for Winterberry Woods Subdivision on September 20, 2010 7 pm by: **Mr. Arnold**

Second to Motion: Mr. Paska

Roll Call: 6 Ayes: 0 Abstained,

Absent Board Members: Thomas Field

Motion Carried.

2. Mary-Jo Barody Subdivision Sketch Plan Review

Michael O'Connor representing Mary-Jo Barody and her daughters. The last know concerns of this board are the maintenance of the easements granting access to the proposed subdivision and the ability of emergency services to gain access to the property. The current driveway type easements are partially paved used by eleven homes. A simplified HOA (no property involved) to be filed with the Attorney General's office to convey for more than four lots to have access. Two lots are in excess of an acre and three lots are three quarters of an acre. Modification to the notation on the map-stating access by deeded private right away...to follow. Endangered species filed still holding on the Emergency Services comments.

Chairman Jensen: Public lots having access to public through fare

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Mr. Auffredou: a private drive will have access to the easement and maintaining the private drive...this is the best we can get as presented as long as emergency services do not have any concerns

Mr. O Connor: is willing to represent that in the deed by maintaining the property in front of each driveway.

Mr. Arnold: the width is 26' should 40' is a ZBA action needed to the highway

Mr. Patricke: many existing with reduced access at least three, big head lane for example

Mr. O Connor: in excess of 40' on both sides of subdivision cannot control the crossing of the power line

Mr. Patricke: a license is in place... when a water line placed for fire hydrant; the lots comply with zoning no variance required

Mr. Auffredou: are the concerns related to ingress egress for emergency. EDP may need to report

Mr. Arnold: would like the ZBA to approve the 26' access for the four lots and for the record the proposed use of this property is well intended

Mr. O Connor: to be clear the board is requesting the ZBA approve the existing 26' access for these lots

Mr. Patricke: what would be the zoning for

Mr. O Connor: must have a denial to go to ZBA

Mr. Osborne: lot 5 is the only lot is question

Mr. Auffredou: are we requesting of this subdivision; not requested of the existing easements in place?

Mr. Patricke: correct... private driveway in place before zoning was in place

Mr. Osborne: this is a Type 1 subdivision

Chairman Jensen: must give the applicant a consensus on moving forward with this subdivision

Mr. Zimmerman: look for a good base noted on the drawing for the proposed subdivision

Mr. Patricke: should identify on any plans for approval

Mr. O Connor: cross cut with a plan to improve contingent on EMS shown on plans

Consensus is to move forward

Mr. Patricke: take out proposed road and add dimensions on other side label the lands of Andy Sweet

1.Motion: To declare the Moreau Planning Board as lead agency on the Long form EAF review for the Mary Barody Subdivision by: **Mr. Chris Barden**

Second to Motion: Mr. Arnold

Roll Call: 6 Ayes: 0 Abstained

Absent Board Members: Thomas Field

Motion Carried.

2.Motion: To schedule a Public Hearing for the Mary Barody Subdivision on October 18, 2010 at 7 pm by: **Mr. Osborne**

Second to Motion: Mr. Bergman

Roll Call: 6 Ayes: 0 Abstained

Absent Board Members: Thomas Field

Motion Carried.

1. Motion: To adjourn Regular Planning Board meeting at 8:55 pm by **Mr. Zimmerman,**

Second to Motion: Mr. Arnold

Roll Call: 6 Ayes: 0 Abstained

Absent Board Members: Thomas Field

Motion Carried.

Respectively Submitted, Signature on file

Cherie A Kory 8/22/2010